

**REMARKS**

The Office Action dated December 21, 2005, has been reviewed and the Examiner's comments carefully considered. Prior to this paper claims 1-51 were pending. By this paper, without prejudice or disclaimer, in order to advance prosecution, Applicants cancel claims 1, 2, 9-11, 13 and 20. Applicants further add claims 52-54. Therefore, claims 3-8, 12, 14-19, and 21-54 are now pending.

As claims 12, 14, 18, 19, 21 and 22 are indicated as containing allowable subject matter, Applicants amend the claims to place the recitations of claim 10 into claim 12, place the recitations of claim 13 into claim 14, and place the recitations of claim 20 into claims 21 and 22).

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

**Indication of Allowable Subject Matter**

Applicants thank Examiner Pope for allowing claims 3-8 and 23-51, and for the indication that claims 12, 14, 18, 19, 21 and 22 would be allowable if placed into independent form.

**Interview of February 22, 2006**

Examiner Pope is thanked for extending the courtesy of an interview to Applicants' representative on February 22, 2006, where he confirmed that claim 2 was rejected in the Office Action.

In view of the Telephonic Interview held on February 22, 2006, Applicants submit that the above provides a complete and proper recollection of the substance of the interview, per MPEP §713.04.

### **Rejections Under 35 U.S.C. § 102**

Claims 1, 2 (as was confirmed during the telephone interview with examiner Pope on February 22, 2006), 9-11, 13, 15-17 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kobayashi (U.S. Patent No. 6,014,595). In response, in order to advance prosecution, and without prejudice or disclaimer, Applicants cancel claims 1, 2, 9-11, 13 and 20. Applicants thus respectfully submit that the rejection of these claims is now moot.

Regarding claims 15-17, Applicants respectfully traverse the rejection of these claims for the following reasons.

Applicants rely on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” It is respectfully submitted that Kobayashi does not describe each and every element of claim 15, and thus claims 16 and 17, which ultimately depend from claim 15.

Claim 15 recites a “device adapted to estimate *lateral displacement of a vehicle*,” comprising a processor “adapted to estimate *a lateral distance that the vehicle has traveled* beyond the detected rumble strip based on which of the four tires is associated with a respective signal.” (Emphasis added.) Lateral displacement refers to the displacement in the “direction substantially normal to the direction that the rumble strips [for example,] are aligned. For example, on a straight and uniform road, where the rumble strips are aligned substantially parallel to the edge of the road, the direction of lateral displacement from the

rumble strips would be substantially normal to the edge of the road.” (Specification, paragraph 0060, emphasis added.)

Kobayashi does not teach the above quoted feature of claim 15. The Office Action asserts that cols. 10 (line 22 and beyond) and 11 of Kobayashi teach the recitations of claims 15-17. Applicants respectfully disagree. The teachings of Kobayashi in these columns are entirely related to determining the angle  $\Theta$ , which is “the angle between the line of vibration generating structure and the line of vehicle travel.” (Kobayashi, col. 10, lines 22-23.) Kobayashi never mentions determining the lateral distance traveled by the vehicle beyond the rumble strip. All that Kobayashi teaches is determining the angle  $\Theta$ . Kobayashi is concerned with this angle because he uses it in “determining the proper amount of compensation for a driving situation. For example, the angle  $\Theta$  may determine the amount of automatic steering required to prevent the vehicle 116 from veering off the lane.” (Kobayashi, col. 11, lines 10-13.) The angle  $\Theta$  is calculated without ever determining the lateral distance as recited in claim 15.

Claim 15, and thus claims 16 and 17 are therefore not anticipated by Kobayashi. Reconsideration and allowance is respectfully requested.

### **New Claim**

As seen above, Applicants have added new claim 52, 53 and 54. These claims depend, respectively, from claims 15, 16 and 17, and specifically recite that the lateral distance is a distance in a direction substantially normal to a direction of the road departure warning installation installed on the road. Support for these new claims may be found, among other places, at paragraph 0060 of the specification as originally filed.

These claims are allowable due to their dependency from claims 15-17, and for the additional reason that Kobayashi does not teach or suggest determining a distance in a direction substantially normal to a direction of the road departure warning installation installed on the road.

### **Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Pope is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date Ferry 24, 2006

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4747  
Facsimile: (202) 672-5399

By 

Martin J. Cosenza  
Attorney for Applicant  
Registration No. 48,892